



# A REPLY

TO

Governor Brown's Pamphlet on Columbus Prisoners.



*An Open Letter to the People of Georgia.—The Garrard  
Letters.—Comments of the Press.*

---

Read and Hand to Your Neighbors.

---

## THE TRUTH AS IT IS!



*To the People of Georgia:*

I have seen to-day, for the first time, an anonymous pamphlet, circulated doubtless, in the interest of ex-Governor Joseph E. Brown, entitled, "Governor Brown and the Columbus Prisoners," in which my name is very freely handled.

Had Governor Brown published my answers in connection with his own letters, I should have had nothing more to say, but inasmuch as only a one-sided and garbled view is presented to you, in said pamphlet, I deem it my duty to present to you the other, in order that you may determine for yourselves on which side is the truth and justice.

I append hereto my letters in reply to Governor Brown formerly published in the *Atlanta Constitution*, and also a few of the many editorials of newspapers of this State on the subject matter in controversy. Governor Brown figured in the *Atlanta Dispatch* and the *Atlanta Constitution*, as an anonymous writer, and made severe strictures on a legislative committee, of which I was a member, and thereby commenced on me, as a member of the committee, the attack, which he now says that I made on him.

I commented in a speech in the House of Representatives on Governor Brown's course as an anonymous scribbler, and I commented on his evidence, which I had a perfect right to do, he being a witness—he surely could not rightfully blame me because other witnesses swore directly opposite to himself.

Governor Brown sought to crush me because I fearlessly exposed him and his artful practices.

I assure you that this is not a personal controversy, but one in which you are deeply interested. It is for you to say whether you benefit your State by forgiving and condoning treachery and treason on the part of men whom you have trusted with your offices and your honor.

It is for you to determine whether you will say in effect, to the rising generation of young men of your State,—“Get money,—it matters not how you get it, and we will grant you full and free forgiveness for treason and treachery to your mother, Georgia.”

That Governor Brown will make a good fair-weather Senator, when no personal interest is to be subserved by betraying his State—who doubts?—but is he a safe Pilot for the ship of State in a storm?

Our noble women annually gather around the graves of our gallant and devoted dead, and scatter flowers over their last resting places, and their memories and good deeds are perpetuated by orators all over our sunny land, for what purpose? if it is not to instill into the youth of our country a feeling that loyalty to State and country is remembered by loving hearts?

Can those same hearts beat in unison, with one who, though of our own blood, stood side by side with the despoilers and ravishers of our State, and assisted in holding our hands while the chains were being riveted on us, and our substance scattered by his vandal associates? You cannot blame Bullock and his gang, and exonerate Governor Brown.

I have heard men say recently,—“You people of Muscogee have just cause to be indignant, but other parts of the State don't feel so.” There was a time in the history of this country when the cry rang out from Maine to Georgia that “the cause of Massachusetts was the cause of all.” If we have just cause, have not you also? Are we not all Georgians?

I appeal to the young men of Georgia not to forgive or forget the men who proved false to Georgia in the hour of her travail.

The man who left you in your trouble, and went over to your enemies, and who now comes back, with no claims on you, except that he is rich and crafty, is not a safe adviser or a worthy example.

The condition of affairs in Georgia at the present time is very peculiar. I beg to remind you of the memorable words of the Roman Cicero, who said to a public assembly in Silesia on his return from Rome, where he had been on a visit, “I found a party for Pompey, and I found a party for Caesar, but none for Rome!”

Fellow-citizens and Georgians, let us stand together for principles, not merely for men,—and in this way you will purify your public service, and make your public servants fear to do wrong.

LOUIS F. GARRARD.

COLUMBUS, GA., July 13th, 1880.



## GARRARD'S REPLY TO EX-GOV. J. E. BROWN.

*The Discussion Grows a Little Warmer.—Mr. Garrard's Strictures on Ex-Governor Brown's Reconstruction Record—His Course in the Columbus Trial.*

Atlanta Constitution of Sept. 26, 1879.]

EDITORS CONSTITUTION:—My attention has been called to the article of ex-Governor Joseph E. Brown in your issues of the 24th and 25th instants in which I am, to some extent, the subject of his story.

It seems that eleven years ago he was attacked by "intellectual giants" for selling himself for more silver than Judas Iscariot got for a similar service—perfidy and treason, and his delicate situation with the United States Government at that time clearly prevented him from opening his lips.

He has lived up to this time; in this the similitude fails, for Judas gave up his shekels and committed suicide.

He has lived and has prospered, and now has to thank an "intellectual pigmy" for the opportunity of vindicating his good name, and of washing off the filth and smirch therefrom, so that it may shine in all its former clearness and fairness.

I am free to admit that perhaps the Almighty in His wisdom did not, in giving me being, endow me with the gigantic intellect of Governor Brown, but I have to thank Him on my knees that what little mind He has given me is not venal; that He has preserved me so far from selling myself or from seeking to oppress and degrade the people among whom I was born.

I have also to thank Him that I have not merited the "condescension of his (Brown's) notice," and that my practices and conduct as a representative do not come up to Governor Brown's standard of propriety. Were it otherwise I would resign and go home to my constituents in disgrace and remorse.

It becomes my duty, as I humbly conceive it, to reply to the apology of Governor Brown "for the good of the public," for it is proper that Georgians should remember that the man whom they honored by lifting him from comparative obscurity and poverty and placing him in the Executive chair, and who emerged therefrom after the war had wrecked and ruined our State, a wealthy man, whose sudden riches were the puzzle and enigma of our history—for a fee prosecuted his fellow-citizens before a military commission in 1868.

We must not forget, we cannot forgive, a crime of such enormity.

Let them go down to history together—Iscariot, Benedict Arnold, and Joseph E. Brown.

I will answer him in the order of his reply.

First, as to the Ashburne case.

His situation, it seems, as to his client, the United States Government, permits him now to open his lips, sealed hitherto by professional honor.

What has worked this change?

Why has he been so long a martyr?

When Georgia passed the 14th amendment, and was again recognized as a State, why did he not then tell us what he now asks us to believe?

Would General Meade have objected? Surely not, for the General in 1868 was so beset by the indignation of the press and people of the whole country, that he, by permission of his superior, published a vindication of himself as to said Ashburn trial, and he would have been thankful for help.

Surely the joint statement at that time of the General and the ex-Governor to the effect that the former had hired the latter to take charge of the case and to control it, upon the express understanding that nobody was to be hurt; that habeas corpus before a civil court to take the prisoners from the

military court was in contemplation ; that the ex-Governor was only to scare the people of Georgia for their good and for five thousand dollars, or other large sum, surely, I say, after the tragedy, such a pretty farce would have been a roaring one, and we good people of Georgia would have laughed at the fright all had endured, and would have rejoiced that "our Joe" had gotten so many shekels of silver by "so sly, so devilish sly," a ruse, and even the prisoners who had sweated in the sweat-boxes, and had languished, without friends, counsel or daylight in cells two feet ten inches wide in June, might have fanned themselves as they read it, and maybe would have smiled with the rest !

Meade spoke then ; Brown was silent ; the client lifted the injunction of secrecy ; the lawyer did not speak.

Meade is now dead, and the lawyer, when driven to the wall, speaks. Meade is the other party to the contract, and by all the rules of evidence, Brown is not a competent witness, for Meade is not here to deny or admit his statements.

Let us waive this, however, and let his testimony go to the dear people for whom he has endured obloquy and shame—for what it is worth.

If I am an "intellectual pigmy" I will endeavor not to be contracted in my sense of justice. Let us see if Meade's statement and Brown's apology are alike :

In the *Cincinnati Commercial*, a Radical paper, was published a synopsis of General Meade's report on this trial, which may be seen by referring to the *Atlanta Constitution* of the 13th September, 1868. It is too long to insert here. It admits most of the charges made in the statement of the prisoners, as to sweat-boxes, etc., and it says that on the 26th June, 1868, the General sent to the Secretary of War the following communication :

"I deem it of the utmost importance, not only for the ends of justice, but for my personal vindication, that the Ashburne murderers should be tried by military commission ; and I have accordingly ordered the trial for Monday next. Before going North I retained ex-Governor Brown as counsel for the Government. I deem his services of great importance, not only for his legal ability, but for the influence his position in the State will give the prosecution.

"He has been actively employed during my absence.

"But to-day on my asking him what his fee would be, he replied \$5,000.

"I stated that I did not feel authorized to pay such an amount without the sanction of superior authority.

"He expressed his willingness to withdraw and not to communicate any information he had obtained."

General Meade then advises the employment of ex-Governor Brown "in view of the importance of the case and the fact that defendants would hire him."

In the *Constitution* of September 19, 1868, the official report of General Meade to General Grant, commanding the army, is given, and not a word is said therein of any such contract as Governor Brown relies on, nor is Governor Brown's name mentioned therein.

This report is expressly made for personal vindication of General Meade, and after stating the whole affair from his standpoint, he says "his conscience is clear," but no where therein nor in the first mentioned document does he pretend to say anything to the effect that he did not prosecute with full vigor and to convict, if he could, the prisoners whom he terms "murderers" in advance.

No one can read this officer's statements and fail to be impressed with his vigor, determination to succeed, and conviction that he was dealing fearlessly with murderers.

Now for Governor Brown's version of the "contract."

Viewed in the light of General Meade's testimony, it is palpable that if he (Governor Brown) took the contract for the Government, intending at the same time to benefit the prisoners, he was a traitor to his client, whose paid attorney he was.

General Meade says he deemed his (Governor Brown's) services "of great



importance, not only for his legal ability, but for the influence his position in the State would give the prosecution," and he urges his Government to accept his services at \$5,000 fee, else the defendants might retain him.

So, General Meade's idea evidently was to pay Governor Brown \$5,000 for his legal ability, and for the influence his position as ex-Governor would give, and to pay it quickly, before the prisoners could get his professional aid.

If this was the General's version of his contract, and if this is the true version—and I have never seen any denial by Governor Brown until now—then Governor Brown bartered for the fee, his legal services and his influence as a public man in Georgia, without qualification; and any mental reservation on the part of Governor Brown to help the prisoners and to do good to Georgia and her people would have been unprofessional, to use the mildest term.

Governor Brown would have us believe that in accepting the retainer from the United States Government he was actuated by high and honorable motives, and by a desire to aid the defendants and the people of Georgia.

Is this true? Does anybody in Georgia believe it in his heart?

The brief of his evidence is about this: That General Meade desired him to be associated with the judge-advocate as the defendants would be represented by an array of very able counsel; that he advised Meade not to prosecute the prisoners before a military commission, but if he would do so, that he, Brown, would serve as counsel, and says he told Meade "he would not undertake it unless he (Brown) controlled it," and that he would do his duty faithfully to the extent of his ability in conducting the investigation so as to ascertain the guilt or innocence of the accused; that Meade promised him that he would hold up the death penalty, etc., and finally he says:

"I stated to General Meade distinctly that I was opposed to trials of that character, but that, in my opinion, I could serve the interests of my State and her people, and of the United States by representing the prosecution on these terms."

Such was the contract Governor Brown says he made with General Meade whom he admits to have been a "military dictator."

He would have us believe that a "military dictator" paid him a large fee to "serve the interests of Georgia and her people" before a court whose judges had swords buckled to their hips and brass buttons on their judicial robes, as well as to serve the government of the United States!

Imagine such a contract made with the Czar of Russia or the Shah of Persia, or any other "military dictator!"

Does it bear plausibility or truth on its face?

But let us get back to those times—the dark days of 1868—and repeat a little of the "history of this crime," so that we may see if anybody then would have believed such a contract was made, if General Meade and Governor Brown had both sworn to it.

The counsel of the prisoners, with three lamented exceptions, are alive and know that Governor Brown wasted no time in the examination of witnesses, asked no unnecessary questions, was succinct, able and pointed in his every action in the course of the trial, and was zealous even to ferocity in cross-examination of defendant's witnesses, especially of two ladies of the highest social standing, and that by no word or act did he lead them to believe aught except that he was doing his very best as a skillful lawyer to gain his case and to convict the prisoners, and this too, after the alibi of Duke, overwhelming in its nature, had been made out so that the backbone of the prosecution was confessedly broken.

I say these gentlemen are alive and easily accessible, and Governor Brown will scarcely deny the above statement; if he does have the temerity to do so, we will ask these lawyers who really did try to serve the prisoners and the people of Georgia, but not the United States Government, if Governor Brown did not conduct the case as I have stated.

Again, what was the impression made on the people of Georgia as to Governor Brown's conduct?

I quote from the *Atlanta Constitution* of the 18th day of July, 1868:

"We are told that Joseph E. Brown, before engaging with the Government

to prosecute the Columbus prisoners, put himself in market for the highest bid, acting himself as a 'prize' to his own claims between the two parties, and that when spoken to by the prisoners, he very coolly informed them that the Government was very anxious to secure his services, but that the highest bidder would secure them as he was on the market for a price. A man who would thus disgrace the profession of which he claims to be an honorable member, should be scouted by every legal gentleman in the land.

"The voice of their indignation should greet him in every wind and their scorn follow him wherever he goes.

"The meanness of the act resolves itself into a crime when we consider how corrupt the motive that would prompt him to extort contending bids, on the one hand from an unfortunate class of his own fellow-citizens against a Government and a contemptible party on the other, whose tyranny is as infamous as it is justly odious. When such venality is practiced by men seeking 'high places' what may be expected of less pretenders?"

In a later issue of the *Constitution* this same matter is again charged on Governor Brown, and I have found no denial by him of it.

It is a principle of law which Governor Brown, or even "the most ignorant justice of the peace in Georgia," must admit as good doctrine, that if a man listens to an accusation against himself on a material matter without denying it he lends an affirmation to its truth.

This accusation of the *Constitution* comports with General Meade's statement that the government had better pay him \$5,000, else the defendants "would have him;" so Governor Brown must have intimated to the General that the "Columbus prisoners" would pay him a large fee if the Government did not hurry up and retain him.

Poor General Meade. How he was fooled!

I doubt if the prisoners were worth \$5,000 in worldly goods, all told, and surely they were not lacking in counsel of great ability, able and willing to serve them.

In the *Constitution* of July 19, 1868, appears this comment on Governor Brown:

"Of the judge advocate, General Dunn, it has afforded us a pleasure on more than one occasion to acquaint the public of his courteous and gentlemanly deportment to all parties engaged in the trial of the Columbus prisoners, and especially to the lady witnesses; while in the same breath we have considered it a duty to expose the ungentlemanly behavior of his hireling assistant, Joseph E. Brown. \* \* \* \* \*

The conduct of Governor Brown in cross-examining the ladies of the family 'beggars contempt;' he refused them the benefit of common courtesy; too coarse to be polite, too cowardly to be generous, too crafty to be honest, the character of the witnesses was forgotten in his eager desire to clutch the conditional fee that was to follow conviction."

In a speech made by the Hon. Benjamin H. Hill in Atlanta, and published in the *Constitution* of July 25, 1868, he said:

"They sent down an army of bayonets to make war upon an unarmed people; they bought up the men you have honored to co-operate in the foul work. [Cries of Joe Brown.]"

"I did not call that name. It should not be mentioned in decent company."

In a speech delivered by the Honorable Robert Toombs August 25, 1868, at Cedar Town, referring to Governor Brown, he said:

"He has betrayed his natural and foster mother.

"More bitter far than a serpent's tooth it is to have a thankless child.

"He is false to nature. What more can I say to commend this wretch to your detestation.

"He has fatigued public indignation; it is no longer equal to his crimes.

"Ignoble villain! buoyant solely from corruption, he only rises as he rots!"

It is not necessary to extend quotations from the press of Georgia at that time, nor from the utterances of other distinguished Georgians delivered in public addresses, for I would only impose on your kindness in giving me your



columns for my reply to Governor Brown's apology. The excerpts I have given show the drift of public opinion at the time.

On July 25th, 1868, the Columbus prisoners, Doctor E. J. Kirkscey, Messrs. W. D. Chipley, C. C. Bedell, R. A. Wood, and five others published over their signatures in the Columbus *Sun* a card giving an account of their arrest, imprisonment, treatment, etc., which harrows the feelings of any human being with a heart.

I will not copy it here, but will be glad to show to any one, and especially the men in this State, who have attained majority since then, so that we may not forget this outrage on civil liberty. In the conclusion of said card they say:

"The officers and soldiers of the garrison were as kind as their orders would permit, and respectful, with but few exceptions."

General Dunn's courtesy during the trial, especially after "Duke's alibi," was in strong contrast with the vindictive, ungenerous and unmanly conduct of Joe Brown.

Let it be understood what the "Duke alibi" was.

Some of the depraved and suborned witnesses for the Government had sworn that Mr. Duke was one of the murderers, and that the truth of the whole testimony was based upon the fact that Duke was present and fired at Ashburn.

Numbers of respectable and intelligent people, the family and neighbors of Duke in Meriwether county, were put on the witness' stand and proved him at his father's house in said county, forty miles from Columbus, on the day of the murder, and on the night of the same.

The person with whom he boarded swore he was not in Columbus; the man who hired him the buggy swore to it, so did the man who slept in the same bed with him on the night in question, a dozen other witnesses proved his arrival in Meriwether that day, among them a prominent physician, Dr. Stiles, and others, who knew of the date of certain cotton transactions in LaGrange and their recollection was confirmed by the books of the cotton dealers in LaGrange.

Thus was an unequalled alibi established and not by Columbus witnesses. The cross-examination of Governor Brown on these witnesses of Duke's, as the stern truth came out that the witnesses for the Government had wilfully lied, was a model of its kind, a desperate struggle to beat back the truth at all hazards.

After this, say the prisoners, the difference between the conduct of General Dunn and Governor Brown was marked to the discredit of the latter. Such seems to have been the impression made on the public according to the daily press.

If his object was "to ascertain the guilt or innocence" of the prisoners, did he move to release Mr. Duke after this perfect alibi? Of course he did not.

After such an "alibi" one moment of imprisonment for Duke was a hideous crime on the part of the "powers that were," and Governor Brown says his contract was that he was to control the case, after his employment. Who was responsible for the crime?

General Meade could not withstand the wrath of the liberty-loving people of America, and he published his so-called "vindication." Meade had commanded at Gettysburg, and he was fearful that history had a black page for his connection with this crime.

Governor Brown had made civil fame; was he not warned by every means possible that he had better repent and "vindicate" himself then, if he did not intend to go down on the pages of history as a renegade and traitor to the people who had honored him?

Let us see by his own utterances at that time if he was in a frame of mind to repent the crime.

He was made Chief Justice of Georgia—God save the mark! After his appointment to this exalted office he made a speech, on August 19, 1868, to a large assembly of negroes, in Atlanta, in which he is reported to have said:

"The object of the democracy is to destroy negro suffrage in the south.

"When did you ever hear of 4,000,000 freemen, with the ballot in their hands, surrendering it without bloodshed? They would be less than men if they did.

"If you let them alone, they will vote peaceably; if you don't, my white friends, you will provoke a state of things in which you will be the greatest sufferers. Your houses, your villages and your towns are pledged to peace! There are 30,000 white republicans in Georgia—there are 90,000 of you, my colored friends."

It was at a time of great excitement: the Grant campaign was at its highest; the negroes were inflamed and looked upon the whites as their natural enemies, and but a spark was needed to fire them to any violence. Under these circumstances it was this Chief Justice of the State who suggested to them that the houses, villages and towns of Georgia were pledges of peace. How? What did he mean, and how was he understood at the time?

The next issue of the *Constitution*, alluding to this speech, said:

"The thing by whom the office of Chief Justice of this State is to be disgraced has grown violent since his appointment to that position."

"His speech to the negroes on Tuesday was highly tinged with red.

"It was violent and incendiary in tendency."

Was this the man to help Georgia and her people, by 'controlling' a trial of citizens before a military commission, with a full knowledge of all the barbarities practiced on the prisoners, before and during the trial?

Again, on July 3d, 1868, an affidavit was made by one Wm. H. Reed, a Government detective, in Washington, D. C., which affidavit was presented to the military court and published in the Atlanta papers. This man Reed was the subaltern under H. C. Whitley, the chief detective.

It detailed the barbarities and the means used by Whitley to make witnesses perjure themselves; as he says, "These parties gave no evidence until they were imprisoned, tired out, and the evidence wrung from them," and that the witnesses were drilled so as to "tell the same story."

He says in conclusion: "Whitley remarked to me frequently that this whole case was a political move, and the conviction of the prisoners would be a big thing."

Did Governor Brown quit the case when this disgusting affidavit, revealing the practices of Whitley, was read in the military court?

On the contrary, he went on as calmly with the business of that day in court as if nothing had happened, and continued as counsel.

Did Whitley tell the truth? Was this a "political move," and did Governor Brown think to help "Georgia and her people" by aiding the Radical party in June and July, as he did in the speech of August 19, 1868? Was this his little game?

In conclusion, Mr. Editor. I have hastily thrown together the foregoing as a reply to the apology, so far as the Ashburn case is concerned. I think it beyond all doubt that General Meade never made any contract with Governor Brown, except to prosecute with all his (Brown's) ability and vigor, and I submit that this conclusion is inevitable, when we consider all the circumstances.

In my next I will reply to the second part of the apology. Thanking you for your courtesy in permitting me to use your columns, I am, your obedient servant,

LOUIS F. GARRARD.

## GARRARD'S REPLY TO EX-GOV. J. E. BROWN.

*Evidence Presented to Show the Character of the Ashburn Trial and How Witnesses were Treated.—How the Penitentiary Committee Proceeded with its Work.*

Atlanta Constitution of Sept. 28, 1879.]

EDITORS CONSTITUTION: The second part of Governor Brown's apology is devoted to strictures upon the conduct of the special committee appointed by



the House of Representatives to investigate the office of the principal keeper of the penitentiary, of which he says I "assumed to be the leading spirit," and he draws a comparison between the proceedings of that committee and the military commission which tried the Columbus prisoners, contending that the former was a "star chamber," and the latter a fair, just and impartial court—and "that so far as the fairness and regularity of the investigation is concerned, there is no comparison between the two cases." The Governor then proceeds to state the manner of conducting the trial before the military commission, that the prisoners and their counsel were present and cross-examined fully the witnesses, etc., etc., but the Governor neglected to state who those witnesses were, and how they had been treated before their appearance in court, to force them to testify to suit the case the Governor was then prosecuting for a large fee. He is a bold man to draw a comparison at all, but not bold enough to continue his comparison to the character of the evidence and the manner of obtaining it. I will not undertake in my own language to tell the tale, but will let one of the tools used by the prosecution to extort this evidence—relate it in all its horror. As stated in my first reply, the government detective, William H. Reed, overcome by remorse, made an affidavit on July 3, 1868, from which I make the following extracts:

"At the fort (Pulaski) one of the negroes, John Wells, was taken out of his cell and put into a chair in one of the casemates with a cannon pointed at his head, and a soldier hold of the string ready to snap the cap, apparently to shoot the gun; a barber slushed his head full of lather and pretended to be ready to shave his head. This was done to have him give evidence in regard to killing Ashburn, the negro all the time contending he knew nothing about the murder. This farce was kept up about ten minutes. Finally they put him back in his cell with the understanding that if he did not tell something it would be worse for him. They took the other negro, John Stapler, and put him before the gun with no better success. He was afterwards put in a sweat box and kept there in great punishment for at least thirty hours, until his legs swelled, and I took him out of the box, being convinced he knew nothing about the case." Another extract from same affidavit:

"In my frequent conversations with this man Bennett (one of the main witnesses for the prosecution), his prevarications convinced me if any one was guilty of killing Ashburn this man Bennett was guilty. After this Bennett was put in a cell with Betz, to see if he could not draw some evidence from him. After he (Bennett) was put in a room with Betz and Stevens, with a view of still obtaining evidence from both of them together, he (Bennett) admitted to me that he was in the crowd that done the shooting at Ashburn, and persuaded Betz and Stevens to acknowledge the complicity of the prisoners arrested, with the murder."

He then goes on to say that these perjurers were promised protection from punishment, and says that the witnesses, Amanda Patterson, Bennett, Betz, Marshall and Stevens, were all of the prisoners that pretended to know anything about the murder, and that they gave no evidence until they were imprisoned, tired out and the evidence wrung from them. That Amanda Patterson was educated in the evidence she was to give, and that Betz and Stevens were made to repeat the evidence over and over again so as to have them perfect, so that when they were called on to give their evidence they would not contradict themselves and each one tell the same story.

That the witnesses were told that the government had offered a large reward, and if the parties under arrest were convicted, they, the witnesses, would get their share of the reward offered. He also swore that Whitly, the chief detective, told him that the whole case was a "political move." This is the manner of obtaining the evidence on which Governor Brown attempted to convict the Columbus prisoners, and he did not cease his efforts to convict even after this affidavit was read to the commission. He knew then the character of the evidence he was using, if he did not know it before, and yet he still used it! As a general rule the lawyer who has absolute control of the management of a case, as Governor Brown says he had in this case, knows the nature and the source of his evidence and how it was procured, and I see no reason to exclude the ex-Governor from the rule.



Before the legislative committee the stenographer was sworn to take down the testimony impartially as it fell from the mouths of the witnesses, and the witnesses were examined fully by the various members of the committee, and if some of the testimony may appear irrelevant, it was left in because the committee decided to suppress nothing, but to let the record show it all, for what some of us may have thought irrelevant, others might have thought relevant. No sweat boxes, or cannon, or threats were made by the committee or any one in its interest to extort or color their evidence, or even thought of unless by the ex-Governor, when he demanded to be present.

The military commission of 1868 was organized by a "military dictator," as the Governor styles him, without authority of law, and in defiance of law, to try men for their lives, charged with a crime of which it had no jurisdiction. The committee was appointed to investigate the condition and management of a public office for the information of the House of Representatives and by its authority.

The military commission of 1868 proceeded with the case, and Governor Brown sought a conviction after it was apparent by sworn evidence that the testimony for the government was false and extorted by cruelties unheard of in this age and country, and as the press of the country at the time termed it, a revival of the inquisition of the 12th century.

The committee called the principal keeper among the first witnesses, and under oath he admitted the main charge against him, among others, that he had made a contract by which he was to receive \$12 per head on all convicts delivered to the lessees; that some of the lessees denied that the contract applied to the general delivery on April 1, and that he threatened to move some of the convicts to Macon if eight dollars a head was not paid; that it was paid under protest, and the convicts on which said money was so paid were not moved one inch, and that this contract was a private contract.

After the principal keeper had made this admission, what need had he for witnesses on that branch of the case, and was not that enough to justify a recommendation to the House to request the Governor to remove him from his office, on the ground that he had used his official power to enforce said contract alleged by him to have been made as a private contract between himself as an individual and said lessees? But I do not propose to discuss with Governor Brown the justice of our report, and I do not admit that the principal keeper had the right to be present while we were investigating the office of which he is merely an incident. He has no vested right to this office. It is a public office, and not his private property, and we were representing the public in our investigations.

I suspect the ex-Governor is mad because the committee would not accord to him privileges to which no witness is entitled. We did not think he had any stronger claims than ordinary people, and we treated him like an ordinary mortal. The Governor ought to be satisfied with my treatment on that occasion, for he says I acted like a "sucking dove."

He demanded that his own reporter should be present to take down his testimony. We refused it—because we had one who was under oath and competent. The Governor does not charge that he was inaccurately reported, and so our reporter must have been competent and honest.

He then said, "I ask now that Colonel Nelms and all other parties interested be permitted to come before you and examine and cross-examine witnesses when they have an interest, and it is due to them that that should be done."

The committee refused it. Why did the Governor make the request? He was only a witness so far as we know; surely he was not the paid attorney of the principal keeper. Was it not a strange request for a mere witness to make? In what character was he before the committee? He stated he appeared only as a witness. Who ever heard of a witness taking charge of a case and making such demands? Would the "most ignorant justice of the peace in Georgia," from whom Governor Brown quotes most of his law, say his position was tenable? I do not say what Governor Brown's intent was, nor his motive. I leave the public to judge. I am satisfied our treatment of him was proper.



After calling us a star chamber to our faces, he demanded as a right that if any point of his testimony conflicted with any of the other lessees, that we bring them together before the committee, and let them, the witnesses, cross-interrogate each other, so that they could reconcile their testimony. Why did Governor Brown make this extraordinary request of the committee? Was there any inward consciousness that told him he had made statements that other witnesses, who were also sworn to tell "the truth, the whole truth, and nothing but the truth," would contradict? Did the justice of the peace, under whom he seems to have studied law, learn him such law? Would it not have prolonged the session of the Legislature almost indefinitely to have endeavored to have all the sworn contradictions of Governor Brown's testimony "reconciled?" Did not Governor Brown in his testimony contradict his own "interview" to some extent? These reflections puzzle me, so I submit them to your consideration. He complains that we denied Mr. Nelms the privilege of hearing the evidence and cross-examining the witnesses. When the committee had finished the investigation with the exception of two pages of comparatively unimportant testimony, they sent for the principal keeper and read to him his own testimony, and told him they would read over to him the testimony of all the witnesses, and recall any of them to whom he might desire to submit any questions in writing. He had, up to that time, submitted questions in writing. He declined to do so, and the committee reported. Why should the Governor complain? Does he represent Mr. Nelms, and how?

The Governor says that I am unable to draw the distinction between this case and an investigation looking to the impeachment of an officer, and he refers to the conduct of the committee which investigated Goldsmith's office. How did our committee know whether its investigation would lead to an impeachment, a removal from office without impeachment, or a vindication?

Does the ex-Governor suppose that the Goldsmith wild land committee commenced its investigations "looking to his impeachment?" Had they prejudged him, and were they simply looking for facts on which to impeach him? Certainly not. And the same may be said of the Renfroe committee. Goldsmith denied the charges against him, and he was put on trial by impeachment. Renfroe admitted some of the charges against him, and he was impeached because he could be removed in no other way. Nelms admits the main charges against him, and we recommended the House to request the Governor to remove him—because a trial was useless when he admitted enough to require his removal, and it was in the power of the Governor to remove him. We thought it unnecessary to put the state to the expense of an impeachment trial, when he could be removed without it.

While he was an officer that could be impeached, it was not necessary to adopt that expensive remedy. If he had denied what he admitted, then the Governor might, with justice, have claimed a trial for him.

The ex-Governor gets mad because some of the committee had grave doubts about the existence of a contract between Mr. Nelms and Colonel Tom Alexander, which he swore were made in his presence.

The ex-Governor must excuse us for not attaching as much faith to his evidence as he would have us do. I am frank to confess that I do not believe that such a contract was made as the ex-Governor insists on, notwithstanding the ex-Governor swears he was present and heard it made, and I will give my reasons for not believing it.

The contract claimed to have been made between Nelms and Alexander was that the \$12 per head on convicts delivered to the lessees was to include the distribution of convicts among the new lessees on April 1, 1879, as well as on convicts delivered from the jails before that time. While Governor Brown was in Virginia, Mr. Nelms and Mr. Elder swore before the committee that such a contract was made, and that Alexander, Nelms and Elder were present when it was made. Both were asked distinctly if Governor Brown was present, and they swore positively that he was not present. Upon his return from Virginia, Governor Brown swore that he was present with Nelms and Alexander, and probably Elder, and heard the contract made. Nelms then appeared again as a witness, and said he was mistaken, that Governor Brown

was present. Elder never did change his evidence, although the Governor says he applied to do it.

It is possible that when the ex-Governor testified he did not know of the statements made by Elder and Nelms as to his presence, and hence on discovering the conflict, his anger at our refusal to allow all the witnesses to be present and hear each other testify. Does he not know that it is a familiar rule and practice of the courts to separate witnesses when they testify? And does he not know the wisdom and reason of the practice? Was it not wise in the committee to enforce that rule when these witnesses were examined? Does not the result demonstrate it?

If this contract was really made, it applied to all the lessees, and all of them were interested in it. They all acknowledged that there was a contract to pay Nelms \$12 a head on convicts delivered from the jails before April 1st, 1879.

Colonel Lockett, the President of Company No. 2, swore that Governor Brown, in a letter to him, stated that the contract made with Nelms was the same as it had been with the former keeper, which was to pay \$12 a head on convicts delivered from the jails, and nothing was said about paying it on the general delivery in April, 1879.

If there was such a contract why did Governor Brown omit it in his letter? It was the most important part of the contract.

When Nelms, long after Alexander's death, demanded the money under this alleged contract, W. P. Grant and W. W. Simpson denied the contract and called on Governor Brown to get his understanding of it. He did not tell them that there was such a contract made in his presence with Alexander, the President of their Company, but on the contrary he told Mr. Simpson that he "understood from Colonel Alexander that he was to pay something for delivering the convicts a second time after the old lease expired," and told Captain Grant, "you remember on the 1st of April, by our contract, I am to have three hundred able-bodied, long-termed men, and I don't think there is more than one hundred and twenty-five now at the Dade coal mines, and I have told Nelms I would pay him something for bringing them, and he will have to take away those that are not able-bodied from the Dade coal mines, and I suppose that you other lessees would pay him for taking them away." And actually he advised them to see Governor Colquitt about Nelms' demand for the \$12 on April deliveries, and said that he thought it was a hardship, "and if Nelms was to ask his advice in the matter he would advise against it."

He never intimated to them that there was a contract made in his presence. Would he not then have told them of the contract, if in fact it had been made?

Colonel Alexander was well known in Georgia, and I understand he was open and honest in all his dealings, and it stands to reason that if he had made such a contract he would have told it to his partners and all others interested in it. He would not have made it in the presence of Governor Brown, Nelms and Elder, and then turned right around and denied it to his partners. Simpson and Grant, his partners, both swore that he told them, at the time, that the contract he made with Nelms was that he was to pay him \$12 on each convict delivered from the jails until April 1st, 1879.

Would he have deceived his partners? Did he make such a contract?

Dr. Amos Fox, of Atlanta, was the most intimate friend of Alexander, and represented him when he was absent from Atlanta in matters connected with the penitentiary. He swore that Alexander told him "that he had made an agreement by which he was to pay Nelms \$12 a head for delivering the prisoners from the jails; these were the terms upon which they settled. I asked him how long the contract run for, and he informed me until the 1st of April, 1879."

Why did Alexander deceive Fox? Did he deceive him?

For these reasons I think the committee were justifiable in having grave doubts that there was ever such a contract made as the ex-Governor heard.

The ex-Governor winces under this overwhelming evidence, and says that it is illegal, because Alexander is dead and cannot deny it. Does he not know that under the rules of evidence he is incompetent to testify to this con-



tract? He was an interested party to it and so was Nelms. Alexander is dead, and under the law they cannot speak, and yet the committee heard them.

It seems to me that the ex-Governor is the last man in the world whose interest it is to establish the rule that the death of one party seals the mouth of the other. He rarely speaks until death has made him safe by closing the lips of those who would contradict him.

If Alexander was alive, would the Governor remember being present when a contract was made, about the existence of which there is so much doubt?

If General Meade was living, would the Governor's apology ever have appeared? Why does he wait until men are dead before he speaks? Is it because he wants no checks on his ingenuity and conscience, and free scope given to his powers of explanation, denial and apologies?

I see from the *Constitution*, of the 27th instant, a letter from General William Phillips, in which he says such a conversation as Governor Brown alludes to did take place between them. I do not know whether the General's recollection is right or not, and I do not care. If Gov. Brown did say it at the time, it could not have been true, and he must have been manufacturing testimony for future use. The facts show that he prosecuted the Columbus prisoners for a large fee of five thousand dollars. General Meade says, in his report, that when the Governor told him his fee was five thousand dollars, he did not feel authorized to make the contract without the approval of superior authority, and then the Governor said he would withdraw from the case if he was not willing to pay the fee. If his motive was to benefit the prisoners, why did he threaten to withdraw unless his fee was agreed to? Surely, the fee had some influence in inducing the Governor to prosecute. Was he not at that time a candidate, or expected to be one, for the United State Senate, and did that have any influence upon his conduct?

The Governor also says that he took the case to prevent the employment of a more radical lawyer. Read the history of 1867 and 1868 and point out a more radical lawyer than the ex-Governor then was. He would be a curiosity to those who yet remember the career of the ex-Governor during those dark days.

In concluding, I say that I was right in charging Governor Brown with perfidy and treason to Georgia in acting as he did in the prosecution of the Columbus prisoners, and being an anonymous scribbler in the newspapers, which last charge he has not denied.

LOUIS F. GARRARD.

---

## GARRARD REFUSES TO LEAVE THE FIELD.

### *A Reply to the Recent Letters of Ex-Governor Joseph E. Brown Relative to the Columbus Tragedy.—He Adduces New Facts in the Case.*

Atlanta Constitution of Oct. 7, 1879.]

EDITORS CONSTITUTION—Governor Brown commences his reply by saying that my attack, as he styles it, on him was "wanton and unprovoked." As usual the truth differs materially from his statement.

He appeared before the committee of which I was a member as a witness for Nelms, and insulted us to our face, and then cowardly went into the newspapers over fictitious names and denounced us as a "star chamber," etc. Did not the Governor make the "wanton and unprovoked attack" which he now charges on me? He voluntarily made himself the champion of Nelms, and as his witness swore, what the other testimony convinced me was not true, and because I replied to him in the House in proper language, when the report was under discussion, by exposing him as an anonymous scribbler and by

discussing his conduct, as I had a perfect right to do, he being a witness, he says my attack was wanton and unprovoked. He should have awaited my death, as has heretofore been his custom, before he made this charge, for as I am living I disprove it.

I am told that Major Campbell Wallace has illustrated the ex-Governor's power of perversion by saying, "If I was to catch Joseph E. Brown in the dead of night in my chicken house, with some of my chickens already taken off the roost and tied, and he starting off with them in his hand, I would so fear that he would charge and prove that I had stolen my own chickens, that I would say to him, 'Now, Governor, we are both in a bad scrape together, and if you will only take the chickens and say nothing about it, we will drop the matter right here.'"

The Governor proceeds at length to defend his reconstruction record as if I had attacked it. He makes a man of straw and then proceeds to demolish him to his own satisfaction. I never alluded to his favoring the reconstruction and admission of the State back into the Union. When the conqueror demanded that we should adopt amendments and make laws which were odious to our people as a condition precedent to our admission into the Union, the question was presented to our leaders whether they would assist in riveting these chains on a people who had followed their advice even into war, or would quietly stand by and let the conqueror do it, aided alone by the scallawags and carpet-baggers. It had to be done. Should they aid it, or simply submit? Aiding would not have softened it, and holding aloof did not increase it. Governor Brown preferred to encourage and assist them in the work, while Georgia's truest sons refused to have anything to do with it. They asked no fees or favors at the hands of their conquerors, while the ex-Governor was seeking to represent these scallawags and carpet-baggers in the Senate of the United States. But I will not be drawn into a discussion of these matters. He shall not dodge the real issues between us.

The Governor seems to think that Senator B. H. Hill would not now repeat what he said in 1868—"that his name ought never to be mentioned in decent company." The Senator has never retracted it and never will, if I know the man, though he may have concluded that after the lapse of eleven years the Governor's name might now be mentioned in decent company.

He also thinks that General Toombs would not now say of him as he did in 1868: "Ignoble villain; buoyant solely from corruption, he rises only as he rots!" The General has never retracted this, and the Governor has never denied it, so far as I have seen. The General may be willing to modify it to suit the Governor's present condition, though I am not authorized to say so, "buoyant solely from the fruits of past corruption he now rises only as he denies."

The Governor still explains and apologizes for his cruel prosecution of the innocent Columbus prisoners, and thus tries to wipe this everlasting stain from his name. For his own reputation I would be glad if he could truthfully do so, but for the good of coming generations let the stigma remain upon him as a warning that the consequences of such crimes, like the blood on Macbeth's hands, will remain forever, and cannot be washed clean by "all great Neptune's ocean." He does not deny, because it can be easily proven, that he received the large fee of five thousand dollars from General Meade, who denounced the prisoners as murderers of whom he intended to make examples, or that he threatened to withdraw from the case if his exorbitant fee was not agreed to. If he went into the case really for the benefit of the prisoners why did he persecute them with such venom that in their card, published after their release, they drew this contrast between his conduct and that of General Dunn, the judge advocate whom he was employed to assist: "General Dunn's courtesy during the trial, especially after Duke's alibi, was in strong contrast with the vindictive, ungenerous and unmanly conduct of Joe Brown." To protect them, was it necessary to push his "vindictive, ungenerous and unmanly" efforts to convict so far beyond those of his chief, whom he was only assisting?

Why did he threaten to withdraw if the fee was not his object?

Was he not a candidate for the Senate, and did not the military commande,



have much to do in controlling affairs in Georgia at that time? Did not General Meade desire their conviction and a vindication of himself, and did this have any influence in inducing the Governor to vindicate General Meade's illegal conduct by trying to convict innocent men before an illegal tribunal?

He says that in making his vindication General Meade did not mention his name, and hence he could argue that he had never been employed. He forgets that the General was defending himself against the charge that he was attempting to have these prisoners hung by an illegal tribunal for an alleged crime of which it had no jurisdiction. Now, if General Meade had made such a contract as Governor Brown claims, it would have been an answer to this charge of his (Meade's) desire to hang them for him to have stated the contract, and yet he does not mention it in his public "vindication," but boldly defends himself by denouncing the prisoners as murderers worthy of death.

The people of Georgia, in the face of these facts, will never believe the Governor's assertion that he went into the case to protect the prisoners.

Would it not have been more manly and commanded more respect for him to have admitted the truth and put his defense on the ground that he was a lawyer working for a fee? Let us see what he claims for himself was his contract. I will use his own words; he will hardly deny them in the same week they were written. His language is as follows: "By the express terms of my contract, I was to conduct the case in such manner and with such vigor as to discover the guilt of the accused parties, if they were guilty. But I was to have the power to protect their lives till the civil government was restored in case of a capital conviction."

At most he only claims he was to save the lives of the prisoners. Does this man consider that Georgians are like reptiles, to whom only life is precious? Does he not know that reputation and liberty are also of paramount importance to gentlemen? Dry Tortugas at that time was a prison for political offenders, where liberty only was restrained, but death in the shape of pestilence was almost sure to stare the victim in the face. It was Dry Tortugas that the innocent prisoners feared equally with death.

The Governor, grasping like a drowning man at straws, uses evidence that he ought to know is illegal, to-wit: he endeavors to prove his own sayings in his favor in regard to his then contemplated crime. It is a custom with wily criminals to make statements in advance, in order to prove a different intention from that which naturally flows from their own acts. The rule of law is "that every man is presumed to intend the natural consequence of his own acts." This rule was applied to Judas Iscariot. Shall we judge Judas by it, or shall we accept the explanation that some of his creed make for him, that the kiss given the Savior in the garden of Gethsemane was a kiss of affection and not of betrayal?

Shall we accept as an apology for Benedict Arnold that he went over to the British because he thought the fortunes of his country were at that time waning and liberty was in its death throes, and by his forethought and judgment he intended to get into a position with the British in case they proved successful where he could be of great benefit to his countrymen?

If we fail to accept the explanation for the two last mentioned traitors, we certainly should not accept that of the ex-Governor.

Does not the ex-Governor know that by the rules of the law, which he seems to think the "most ignorant justice of the peace in Georgia" should know, that he cannot prove his own sayings to explain his criminal conduct?

When I hold him down to the rules of the same law that he quotes he complains of quibbling, but to fool the people he has wronged he overrides both law and evidence.

The Governor, then, does the good people of Columbus the base injustice of quoting vile slanders and insinuations on them made by the detective Reed in a letter to General Meade, while he was in the pay of the General, working up the case that the Governor prosecuted, by sweat boxes, cannon and threats, and mad because he could find no evidence to show the guilt of innocent men, and before that remorse and repentance overtook him which forced from him the affidavit from which I quoted, giving the history of the



means used to obtain the evidence on which the Governor tried his best to convict. Besides, there is a vast difference between a mere letter and swearing, as is shown by the marked conflict between what the Governor wrote Lockett was the contract with Nelms and Alexander, and what he afterward swore it was. There is also a wide variance between his published interview and his sworn evidence on this same contract. I have pointed out these differences in former communications, and I will not repeat them.

The ex-Governor may rest assured that the people of Columbus entertain no higher opinion of Reed's conduct than of his own, though they give him credit for repentance sooner than the ex-Governor by about eleven years. The Governor tries to scare the Columbus people by calling attention to the rules of law that no statute of limitations applies to the charge of murder, and insinuates that the prisoners may yet be prosecuted for the killing of Ashburn. After Meade and the Governor, with sweat boxes, cannon and perjured witnesses before a military court composed of Meade's subordinates, failed to convict them, certainly they have nothing to fear before a jury of their countrymen.

He says that the alibi of Duke was not so clearly proven as I claimed, because the counsel for the prisoners desired to introduce more evidence to sustain it. Does he not know the reason? It is plain and simple. He still insisted on conviction, notwithstanding the clear proof of the alibi; the court was an illegal and irresponsible body, and the counsel did not know what influence the Governor might use on the court, or what would be the result, and hence they determined to pile evidence on evidence until even the ex-Governor would cry "hold, enough!" The ex-Governor does not deny the speech that he made to the negroes in Atlanta in 1868, which was called at the time an incendiary speech, from which I quoted, nor my charge that a lawyer in Georgia more radical than he then was would be a curiosity, and I will say no more about them.

He mentioned his advocacy of Grant for President in 1868. Of this I feel but little concern, but I do feel some curiosity to know if, when the Republican convention at Chicago in 1868 (of which Governor Brown was reported to be a member), were chanting the incendiary hymn of "John Brown's body lies moldering in the grave," they made him raise the tune as a proof of his repentance and conversion.

In alluding to my reference to his conduct in the past the Governor says: "This is the spirit of the hyena, which feeds upon the rottenness of the past." If I understand him he admits that his past is rottenness, and charges me with feeding on it like a hyena. I agree with him as to the rottenness, but is he not in truth the hyena? Does he not go among the graves of the dead to prove facts which never existed, and were not even thought of until they were dead? Has he not called from their last resting places the shades of Meade and Alexander to sustain bold assertions which would have astonished them were they in the flesh?

The Governor devotes three and one-half columns of your paper to another attack upon the proceedings of the committee, the burden of which is to prove that he told the truth when he swore he was present when Colonel Tom Alexander made a contract with Nelms, by which he agreed to pay him \$12 a head on all convicts turned over on April 1st, 1879, when the new leases went into operation. It was such an outrageous imposition that I did not then believe in its existence, and for the reason given in my former communication, I am still satisfied with my position. The Governor carries in his own bosom an ever present witness telling him that I am right and he is wrong, and I am willing to leave him to his own conscience.

But if such a contract was made by Nelms it would be illegal, for no officer of the State is allowed to charge the citizens for performing the duty required of him by the law, nor to make money over and above his salary by the performance of his duty. It was Nelms' duty to deliver these convicts and to make the lessees pay the expense of the delivery. He had no right to make the delivery profitable to himself. His manner of forcing penitentiary company No. 3 to pay him the money under this alleged contract was illegal, wrong and oppressive, for he admits that he threatened to remove the convicts if the money was not paid.



Was it legal and right for a public officer to enforce a private contract, which was denied by the other parties, by using the power of his office to oppress and harrass them?

The ex-Governor evades these positions, and tries to draw public attention from them. Were they not sufficient to justify the position I took in the House? Why should the ex-Governor demand to cross-examine witnesses when Nelms admitted these charges?

There were other reasons, as shown by the evidence, in support of our report, but I do not propose to discuss them here.

The Governor called me a cuttle-fish, muddying the water with an inky fluid to enable me to escape from him. I leave it to your readers to say whether I have attempted to escape. Has he not been explaining, apologizing and defending himself ever since I replied to his first attack?

Has he not ingloriously fled from the open field where he began the fight, and sought refuge and safety behind breastworks composed of his dead witnesses?

Other naturalists equally as eminent as the ex-Governor insist that among other peculiarities of the cuttle-fish, the inky fluid is thrown into the water to prevent its victim's escape by flight, and that when its tentacles are once fastened on the victim, nothing but the death of the fish or the severing of the tentacles from its body can release its grasp. The ancients thought that large vessels had been lost at sea by the embrace of the fish.

LOUIS F. GARRARD.

## THE LAST OF IT.

### *Hon. L. F. Garrard Replies to Ex-Governor Brown's Last Letter.*

Atlanta Constitution of Oct. 10, 1879.]

EDITORS OF CONSTITUTION: In your paper of the 9th inst., Governor Brown, in a card filled with falsehood, fires his last shot and retires from the fight. Like his prosecution of the Columbus prisoners, it is "vindictive, ungenerous and unmanly," and I may add, vulgar, and does not deserve a reply from me.

I cannot become a blackguard, or descend to his level in billingsgate.

Further facts and argument are unnecessary, as I have fastened upon him forever the charges which I made, and out of which this controversy arose.

No impartial man can doubt that he prosecuted, for a large fee, in the most cruel manner, before an illegal tribunal, our innocent citizens from Columbus, and tried to secure their conviction and punishment on the false testimony of perjured witnesses, and that he was an anonymous scribbler in the newspapers, denouncing, under fictitious names, the proceedings of the committee of which I was a member.

These were the charges I made against him, for which he attacked me, and with the truth I have proven him guilty of them both. He has tried his old game of defending himself by changing the ground, and when he sees that I will not follow him to new issues, but will hold him to these, he ceases to discuss them, blackguards me personally and retreats from the field. A pretty position for an ex-Governor of Georgia, who boasts "that the people of the State gave him their confidence when I was in my swaddling clothes."

I have had it in my power to make other damning issues on the ex-Governor, affecting his character, from almost every aspect, but I have preferred to hold him to the issues between us. With this I drop him, and will allow him to retire from the public gaze and scorn until his example may be again needed to instill into a rising generation truth and loyalty by showing them what are the opposites of those virtues.

It is my rule never to attack a retreating foe or to mutilate the remains of a dead enemy.

He leaves me in possession of the field, and I will close this controversy by thanking you for the use of your columns, which has enabled me to recall to the old and to tell to the young people of my State a few facts in his career, which will eternally blacken the name of Joseph E. Brown. Very truly,

LOUIS F. GARRARD.

## OPINIONS OF THE PRESS.

### APPLAUD IT.

All in this section applaud the effort of Hon. L. F. Garrard in repelling the insult offered by ex-Governor J. E. Brown to a committee of the House directly, and then by anonymous communications in the papers. His prosecution of the Ashburn prisoners, among whom were some of the first young men of Columbus and Georgia, and his insults to elegant ladies on that trial, can never be condoned or forgiven. He did it for Federal gold and under the protection of Federal bayonets. We of this section applaud our Representative for his course in repelling the attacks of this man on a committee of the House.—*Columbus Enquirer-Sun*.

### WHAT GENERAL BENNING PREDICTED.

Governor Brown makes just such an explanation of his course in the Ashburn trial as the late lamented General Benning, shortly after the trial, predicted he would if Democracy should again come into power. Our people are gullible but they cannot believe all that is told them, when, on the printed page, appears undoubted evidence that the prosecutor did his best to condemn and hang.—*Columbus Enquirer-Sun*.

### BROWN'S TRUE FEELING.

The suggestion of Governor Brown's letter, that "there is no statute of limitation that bars a prosecution for murder," and that "as the times were stormy, it may be best that this case be regarded and treated as a case occurring during the war," will be regarded, if not as a threat, as at least gratuitous and inconsistent with the sympathy for the accused which he claims prompted his course as prosecutor before the military court.—*Savannah News*.

### WE CANNOT FORGET.

Nor can the people of Georgia easily forget the position so lately occupied by Governor Brown, of complete affiliation and sympathy with the worst enemies of the state and her people. This thing of taking the big side and fattening on the spoils of office until it becomes unpopular, and then making a complete somersault into the ranks of the popular party, and relying on money and influence to sustain and justify the position taken, is, or rather has been, too common in Georgia and the South generally. He who is once a traitor to his people and State is always a traitor at heart, and only assumes for a purpose any other position. The people of Georgia should not, and, we believe, will not, forget Governor Brown's course since the war prior to 1874, and the glaring inconsistencies of his present position with the greater part of it, nor allow explanations, however plausible, to cover up the naked facts, but rather be the more indignant, that one of Georgia's sons should devote his God-given talents to such unholy purposes.—*DeKalb County News*.

### HIS COURSE IN A NUTSHELL.

In the beginning of the late war he seized forts in our State before Georgia had passed an act of secession, and thus inaugurated war against the United States; later he warred on the Confederate Government; just after the late revolution, ostensibly for a big fee and to save his own property, he prosecuted Columbus gentlemen on a trumped-up charge of murder; subsequently, when Chief Justice of the State under Radical rule, he is charged with acting with the negroes and lobbying bills through the Legislature for his own emolument. This is the man that now asks Georgians to believe that he acted as a friend to men whom the evidence shows he used his best endeavors to hang, and the lady relatives of some were insulted by him when he was under the protection of bayonets. Now he thinks money will cause all to be forgotten. It has been charged that the Georgia blockade had something to do with that wealth.—*Columbus Enquirer-Sun*.

### A CRUSHING REPLY.

It is not here intended to enter into the discussion, but simply to show



therefrom such deductions as the facts before us warrant. The admirable article of Mr. Garrard indeed needs no comment—its logic is severely perceptible. A direct issue as to the veracity of the ex-Governor, touching his connection with the Ashburn case, was raised. The ex-Governor, relying upon the weight of his own statement solely, is answered by an array of official facts and data simply overwhelming. His recollection in the premises is either very defective or convenient. Discarding prejudices or preferences, the calm observer will say that even from a strict legal view the evidence adduced preponderates greatly in favor of Mr. Garrard, and that hence the ex-Governor's vindication is sadly incomplete. Facts furnish the logic of conviction—spurious statements, no matter from whom they may emanate, reflect the weakness of a cause. Thus seems to us the unenviable position of ex-Governor Brown in this controversy with direct reference to the Ashburn case.—*Columbus Times*.

### THE WAR.

The war between Mr. Garrard and the inventor of the "Joe Brown pike" promises to be warm. Mr. G. seems to have possessed himself early in the strife with one of these ruthless weapons, and he handles it with a skill and an eye to business that would excite the admiration of Cetewayo. Those who have ever had the satisfaction of looking upon one of those fearful weapons will remember that they are provided with a hook, while a most dreadful looking knife projected in front. The idea of the remorseless inventor in attaching the hook to this dreadful weapon, is thought by military men to have indicated both genius and originality. If an enemy should be disposed to make a stand a few feet in front of you, by hitching the hook under his belt he could be instantly drawn within range of your fist or ramrod or a sand bag or some other sort of deadly weapon. By dexterously fastening the hook into the seat of his breeches, a retreating enemy could be detained, until his thoroughly exhausted patience would leave him no alternative but surrender. It is likely that this rear view of the use of this combination weapon, presents it in the fearfully harrassing light which first suggested it to the commander-in-chief of the Georgia militia during the late unpleasantness. It is at least true that no more successful way of detaining in one's immediate presence a dissatisfied party who fain would get himself thence has ever been discovered by the uninspired genius of man. Mr. Garrard, having equipped himself with one of these back-action weapons, is prepared to do a considerable amount of poetic justice. Give it to him, Mr. Garrard; give it to him. It would afford us a half century of unalloyed pleasure to see the heroic inventor flying in rear-ruined discomfiture. Joseph would then be known in history as "Get-away-oh," the inventor of the pike. Shove him up.—*Sparta Ishmaelite*.

### JOE BROWN.

Ex-Governor Joseph E. Brown recently published an article in the *Constitution*, in which he endeavors to excuse his infamy and deceive the people by saying he was actuated by high and honorable motives, and by a desire to aid the defendants and the people of Georgia when he accepted a fee from the United States Government to assist in putting our people in sweat boxes and trying before a military court to deprive them of their lives. The people of Georgia will not believe this man, whose whole course during the reconstruction period was such as to recommend him to the high favor of the dictators, tyrants and maligners of our people. He commenced his political career by being one of the most violent, red-mouthed secessionists and enemies of the national Government; did all he could to bring about the secession of Georgia, and, after the Confederacy was formed, aided and abetted the enemies of his State by hateful and unpatriotic opposition to the acknowledged authorities of the Southern Confederacy. He used the advantages afforded by his position as Governor during the war to speculate upon the necessities of the people, and became a rich man by snatching the bread from the mouths of soldiers' wives and children. After the war he took sides with the enemies of his State and the enemies of constitutional liberty, offered himself, like Judas, for a price, was accepted, and for the sake of money he became the most violent persecutor of his people and the most willing tool of military tyranny, and, under its protection, he put our young men to most inhuman torture, and in-

sulted and brow-beat the most refined and virtuous women in the land. There is no excuse for such a time server and brute, not even the impulse of passion can be urged in his favor, for he is noted for being a cold, impassionate political schemer. As a president of a railroad he may be a success. As a politician, we believe his unbounded ambition and grasping avarice would scruple at nothing which would further his ends and accomplish his purposes. We thank God we never did vote for him, we pray God to incline our heart always to abhor him and all others who are or have been actuated by avaricious motives when they turn against and become traitors to their neighbors and friends. We can admire an honest, conscientious Union man who sided with the Federal Government during the war, because of patriotic principles, but we loathe and despise the double traitor, who, after leading his people into trouble, basely deserted, and, for money, assisted to degrade and persecute them.—*Griffin Sun*.

## THE GREAT PERIL OF THE SOUTH.

### AN OLD ISSUE REVIEWED.

We do not propose to have anything to do with the personalities involved in the newspaper controversy between ex-Governor Brown and Hon. Louis F. Garrard. But there are some positions taken and assumptions made by the ex-Governor in reference to what was the duty and policy of the people of the South at the close of the war, to which we cannot assent. Indeed, our convictions and our course were in such direct opposition to his views, that we do not feel inclined to pass by without comment, so plain an arraignment of the conduct of the party with whom we acted.

There was no political subject (not even the question of secession) that ever gave us so much concern as the proper course of the white people of the South at the close of the war. We came then to the conclusion that both duty and expediency required them to maintain a solid phalanx against the organization and the reconstruction measures of the Republican party of the North; to cling with unyielding tenacity to the remnant of the Federal Constitution; to stand up with what power was left us for the same rights of the States and the people; and to maintain among ourselves a solid political unity as far as possible. It is true that much of what we resisted was unconstitutionally forced on us: that a dominant sectional party made our oppression and humiliation its shibboleth; and that we have gone through much trouble and tribulation in maintaining our present desirable political condition of a "solid South." But let us reflect for a moment what would have been our condition if, by yielding principle and right, we had consented to the party division of our people ten or twelve years ago. Had we done so, we would now have had, all over the South, a powerful white Radical party, or at least one numerous enough, with the aid of the colored votes, to maintain political control. Our officials and representatives would still have been carpet-baggers, supported and kept in power by the vice and ignorance of the community. The era of official extravagance and plunder would have been prolonged indefinitely, and there would have been little fear of punishment by impeachment, because a party living on the plunder of its opponents, who paid the taxes, would always protect its official partisans. Is this a desirable condition? Was not its avoidance a full compensation for all the sacrifices of the patriotic whites of the South who "chose rather to suffer affliction with the people of God than to endure the pleasures of sin for a season?"

We have been able, with the help of our political allies of the North, to successfully resist and defeat some of the Republican measures of usurpation and centralization. We are now, by their help, relieved in great part of the arbitrary rule so long and grievously imposed on us, and we contemplate with much hope the early restoration of the Federal administration to its constitutional paths and its just regard for the rights and interest of all its sections. But what would have been the condition of the Democratic party of the North to-day, what its ability to stand up against Radical power and aggression, if the whites of the South had consented to division, and the Republicans, by alliance with the negroes, had maintained to this day their rule in



all or a majority of the Southern States? The very suggestion is enough to make one shudder.

The true course of the united white people of the South, under the crushing defeat which they sustained and ruin of their pecuniary interests and demoralization, was to maintain their manhood and cling to their constitutional guarantees with the tenacity of a refugee to the altar of safety. This they have done, and to this course alone they owe all that they have preserved from total wreck and all their reasonable hopes of the political future.—*Atlanta Dispatch*.

#### DUG UP.

We have said nothing as yet in regard to the Brown-Garrard controversy, and now we propose that Mr. Garrard be fined one thousand dollars for digging the old thing up out of the iniquity in which it took refuge after the war. Old Brown discarded truth, honor, party and people then and went into the Radical camp; insulted the Democracy by inviting them to follow, and covered himself from the gaze of the people in his own infamous act. Mr. Garrard has dug him up. Now it would be nothing but right for him to pay one thousand dollars for the benefit of the Hood orphan fund for this breach of decency.—*Sumter Republican*.

#### ROMANTIC.

The secret understanding between Governor Brown and General Meade, by means of which the Columbus prisoners were to be saved, is remarkably romantic. It affords a wonderfully good foundation for a more than ordinarily thrilling dime novel. The poor prisoners, the dreadful sweat-box, the cruel soldiery, the bloodthirsty satrap with a drawn sword in his hand, could be skillfully touched up so as to represent the seeming impossibility of escape. Then Joseph could be trotted out by degrees as the "calm and serene" hero who, under the sham of prosecution, was prepared to die for the accused. Let the dime novel machine work up this thrilling skeleton for the good little boys of the State.—*Sparta Ishmaelite*.

#### OUR MOTTO.

Our motto is, and we expect to live and die by it: "Let his disgraceful treachery to Georgia in the past be rewarded with the utmost contempt it deserves, and the cloak of hypocrisy he wears be his winding sheet."—*Dublin Gazette*.

#### TAKEN A REST.

Ex-Governor Brown has taken a rest. Captain Campbell Wallace publishes a card which really does not help the ex-Governor in the least. Meade's defense and the incidents of the trial and the manner of the ex-Governor in conducting the examination, all contradict the alleged understanding with General Meade. The latter's brief expressions do not fit the case of the ex-Governor, nor did his apology to the people of Georgia.—*Columbus Enq-Sun*.

#### THOSE CIRCULAR LETTERS.

If Governor Brown has any of those circular letters left which he sent out to the Georgia troops just before the war closed we would be thankful for him to send us one. That was done doubtless "to save" the Confederacy!—*Sparta Ishmaelite*.

#### THE ASHBURN TRIAL.

Ex-Governor Brown seems not satisfied to let his attempted defense of his connection with the above memorable case rest upon his voluminous replies to Mr. Garrard, but has elicited and published in the *Atlanta Constitution* a letter from Hon. A. H. Stephens, the precise bearing of which on the issue between the ex-Governor and Mr. Garrard, is not easy to discover. The memory of that prosecution is still vivid in the minds of the people. Neither the friends of the prisoners nor their counsel had any intimation of Governor Brown and General Meade's generous intentions, nor had they any reason, from the manner in which the trial was conducted, to suppose that any such understanding as that alleged by Governor Brown existed between them. Unfortunately for Governor Brown, General Meade is not alive to testify, and no associate officer in his confidence has come forward to throw light upon the subject.—*Savannah News*.

## BROWN'S DEBTS.

Joseph E. Brown says he owed the people of Georgia a debt of gratitude. He doubtless might have as truthfully added that he also owed them some cotton. It will be hard, however, for him to convince the people that an alignment with their enemies and a prosecution of their sons and wives and daughters was the proper way to cancel that indebtedness.—*Griffin News*.

## GARRARD ON TOP.

The "intellectual pigmy" has floored the would-be giant. The card published this morning squelches the ex-Governor. He must be small to be so out manœuvred by a young man. Mr. Garrard is brief, and disregards the mass of the ex-Governor's apologies and explanations as wholly irrelevant, and holds him to the few points in controversy. From the ex-Governor's own conduct, and the declaration and act of General Meade, it is shown the conditions claimed after eleven years silence could not have existed. All the probabilities are that if General Meade was living this latter-day apology of the ex-Governor would never have been made. Many would really like to know if the ex-Governor did raise the tune to "John Brown's body is marching on," when it was warbled by the Chicago Republican Convention, of which he was a member. We had no idea the ex-Governor, now a model Democrat, was a songster. He commenced the trouble, wrote column after column, and has been badly defeated. Garrard is on top and the people are glad.—*Columbus Enquirer-Sun*.

## TRIAL OF COLUMBUS PRISONERS.

It is with no great delight this matter is referred to again, but we assure ex-Governor Brown we are not afraid to refer to it. He is the man who is keeping it up. In Sunday's *Atlanta Constitution* he has a letter from Hon. A. H. Stephens, which we reproduce, which contradicts the ex-Governor's previous assertion, and in addition a three column editorial, written by the ex-Governor or his chosen scribes, defending the ex-Governor's action.

Why the *Constitution* should act thus we do not know. We have no difficulty with that paper. We have to do with the ex-Governor. We have suffered too much in Columbus for a seven and eleven years' subsequent apology from ex-Governor Brown to be accepted. When the Republicans were ruling Georgia, he had not a word to say. Eleven years after the most bitter persecution of which we have knowledge, he comes forward with explanations too gauzy for belief. They were not offered in General Meade's lifetime. Now, the ex-Governor would represent General Meade as recreant to his government, false to duty, by an understanding he had with him. General Meade made a report. It has no mention of such an understanding as ex-Governor Brown alleges he made with him. In all the witnesses Mr. Brown has called up, no proof has been shown substantiating the ex-Governor's statement. All, in its last analysis, depends upon his own say so. He explained to Mr. Stephens seven years after the Ashburn trial; to the people after eleven years. The explanation detained that long must be very attenuated. General Meade does not mention it. Mr. Stephens does not affirm, but virtually denies it. Mr. Brown said in one of his letters, he took the prosecution to benefit the Columbus prisoners. Mr. Stephens says he advised him to sever the cases so that the guilty might be punished. Mr. Stephens refused because he believed he would acquit all. Mr. Stephens says General Meade told him that the prosecution had broken down on the Duke alibi. Ex-Governor Brown claimed that it was due to him the prisoners were released by his delay until the State had restored civil law by the adoption of certain amendments required by the dominant party in the United States. By not one single witness is the ex-Governor sustained. All depends upon the ex-Governor's statements.—*Columbus Enquirer-Sun*.

## THE BROWN'S STYLE.

We have heard of things "done brown," but the late endeavor of the ex-Governor of Georgia has surpassed anything yet attempted in this State. Having pressed human beings as near to death as he could, failed in his political ambition, the worst enemy our commonwealth ever had, he now says he



did it all out of friendship and a religious effort to protect the people. After a decade he comes forward with flimsy excuses and the claquers, who worship his money, declare he has done all that is right and honorable. It "fatigues the indignation" to think a newspaper article, backed by money, can outweigh the acts of years. Are the doings of people so soon forgot, and the words of enemies, where we wanted friends, taken as truth against sworn testimony? We hope Georgians will not do it, and we know this section will not.—*Columbus Enquirer-Sun*.

### THE INVENTOR.

Governor Brown's explanation of his Radical record in 1868, is lamentably weak and unsatisfactory. It doesn't rise even to the dignity of an honest confession. He says "he did not support the Seymour movement on the insane platform of 1868." He omits stating that he would not have supported Seymour on any sort of a platform. It was perhaps unnecessary to have made any such statement after affirming the great good that would have resulted if the South had followed his example and voted for Grant in 1868. Governor Brown's objection to voting for Seymour and Blair, as stated by himself, grew out of the insanity of the platform on which they were nominated. Does he mean to take the position now that the Radical platform of 1868 was more acceptable to him in the matter of the principles that it enunciated than the Democratic platform of that year?

It is not at all singular that a professed Democrat, who could see claims enough in the Radical platform of 1868 to win his heart and his ballot, should have thought the Seymour movement an insane affair.

Governor Brown admits that he voted for Grant "as a measure of policy." This is, doubtless, true. The Democrats of Georgia are in the habit of voting from principle. They voted for Seymour in 1868 from principle. They were not prepared to swallow Grant and the platform that wasn't "insane" in Governor Brown's opinion, even through policy. The truth is, the fierce inventor of the "Joe Brown pike" had some personal reasons for turning Radical, which, doubtless, were weightier with him than the "insane platform" of the Democratic party in 1868. Considering his anxiety to get out of the Union, his haste to get back into it, afforded a scene that would have been ludicrous if it had not been so humiliating. The idea which this "policy" man puts forth, that by voting for Grant in 1868 the South would have gotten rid of the "bloody shirt," with all which that implies, is an invention which had not best be patented yet. How we would have rid ourselves of the "bloody shirt" by putting it on, is one of the mysteries which only a great inventor can explain. We do not think the South would have gained anything by following Governor Brown's example in putting on the bloody shirt and eating buzzard in 1868. If we are not mistaken, South Carolina, Mississippi, Florida, Louisiana, and North Carolina endorsed the great bumper and gift-taker that year. Did they better their condition by joining the brigade of policy buzzard eaters? If we are not vastly mistaken, the States that endorsed "the Seymour movement or the insane platform of 1868," were the first to rid themselves of the fearful and loathsome plague of scalawags and carpet-baggers. If the people of Georgia had all turned scalawags in 1868, as Joe Brown insists was dictated by "policy," it is impossible to see how the State would ever have been delivered. No. It wasn't proper for the decent people of Georgia to vote for Grant in 1868, and we are glad to say that they didn't do it. It would have been exceedingly wicked in them to have pretended to turn Radical in their sentiments. Hypocrisy is never excusable. To have actually endorsed the shameless principles of the diabolical platform on which Grant was nominated would have been not a whit less base. In addition to the wickedness of the one course, and the shamelessness of the other, it would have been attended by no good results whatever—as is proved by the record of those Southern States that joined the Governor in his dainty dish of buzzard.

And still further, as a great privilege arising from sticking to the Democratic party, even on its "insane platform," we have not been compelled to anxiously await an opportunity to "err" back into the Democratic fold, as would have been the case had we followed the Governor in bowing down

before the Radical calf in 1868. But how was it in 1872? Wasn't "our Joe" somebody else's Joe even then? Didn't he vote for Grant a second time? If so, was it from "policy," or adulterated love? Hadn't the Democratic platform recovered its sanity in 1872? Did he vote for Tilden in 1876 from policy? It begins to appear as if the inventor of the Joe Brown pike had re-erred back into the Democratic fold from motives of policy. We are free to say that we are afraid of such men. Re-erring men are too unstable to build upon. A man who ignores principle and counsels the adoption of Grantism because it is politic, is not a man worthy of the confidence of the people. It is impossible to tell when he is sincere.

For one we do not propose to submit quietly to being lectured by this returning political prodigal for not being shameless enough to desert to our enemies in 1868.

The people of Georgia have borne a great deal of wrong, and borne it patiently; but they will not quietly suffer this repentant Radical policy striker to teach them Democratic wisdom.—*Sparta Ishmaelite*.

#### UTTERANCES OF GEORGIA STATESMEN IN 1868.

In 1868, at the grand Mass Meeting of the Georgia Democracy, in the city of Atlanta, the lamented General Howell Cobb, General Robert Toombs and Senator B. H. Hill made their famous "Bush Arbor" speeches. General Cobb, in the midst of the most powerful speech of his life, when he spied Joseph E. Brown, or his attention was called to him, and when alluding to the cruel, traitorous and unpatriotic crusade that ex-Governor Brown was then leading against the Democracy, the true, honest and patriotic people of his own State, paused as it were, and raising his hands aloft, said: "Oh to Heaven for some blistering words with which to write upon this creature's brow his own infamy." People of Georgia, have you forgotten this?

Following General Cobb, was "Our Ben," who, in his usual telling and sarcastic style, said of Governor Brown "that he was not a fit associate for the more decent negroes of Georgia." This same Joseph E. Brown is now associate United States Senator from Georgia, with Senator Hill, and sits side by side with him in the Council Chamber of the nation. Does Mr. Hill and his Democratic friends in Georgia remember these utterances? these dark days when Joseph E. Brown so acted toward Georgia and her people, as to cause them to loudly applaud what Senator Hill said of his present senatorial associate?

Then came General Robert Toombs, who visited upon this same ex-Governor Brown, that withering invective, which made him even more famous, and which was published, repeated, and long kept fresh in the minds of the people throughout the length and breath of this Southern land. "Ignoble, traitorous villain, he rises as he rots and rots as he rises." Democrats of Georgia, do these things still live in your minds, or have the radical outrages and oppressions of the last twelve or fifteen years obliterated them from your memories?

Such were the utterances of our leading men of 1868, and which then were loudly applauded and enthusiastically endorsed by the Democracy of Georgia. Now, if simple allusion is made to the conduct of those who deserted their people, their party and their State, in these dark and trying days, we are at once accused of being slanderers, villifiers, etc., and told to hush or we will bring upon our people the charge of treason, rebellion and disloyalty to the Union. If this be Democracy, if this be the lash by which we are to be whipped into accepting everything right or wrong, agreeable or disagreeable, then we want to know it, and know it at once.—*Athens Banner*.

#### GARRARD WINS THE FIGHT.

Tell it in Gath and publish in Ascalon that the ex-Governor has been silenced by one who, when a boy, was fighting the battles of his country, while the ex-Governor, then the Chief Executive of the State, was placing every obstacle in its progress.—*Columbus Enquirer-Sun*.